REMARKS

Claims 1-20 and 23-28 remain pending in the instant application. Claims 1-20 and 23-28 presently stand rejected. Claims 1, 11, 18 and 26 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-20 and 23-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (US 7,069,439) in view of various combinations of Gulick et al. (US 7,065,654) and Challener (US 2005/0138393.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03.

Previously presented claim 20 recites, inter alia, "...*measuring a portion of a current set of firmware components **during** an operating system (OS)-runtime phase of the computer system...*" Applicants respectfully assert that the cited references fail to disclose, teach or suggest this expressly recited element, as is more fully explained below.

Chen discloses generally a computing apparatus using secure authentication arrangements. In particular, Chen discloses a security control policy using a logon smart card. Chen, col. 3, line 46. FIG. 7 and associated text of Chen discloses a process of mutually authenticating a logon smart card and a host platform during an OS runtime. Chen discloses steps 700-775 which include a user inserting a logon smart card, transmitting a nonce, verifying certificates, and either granting or denying access to the host platform. Nowhere in the process of FIG. 7, or elsewhere in the patent, does Chen disclose measuring a portion of firmware during an **OS-runtime phase** of a computer system.

To be sure, Chen does disclose acquiring an integrity metric of the computing platform (e.g., firmware). Chen, col. 7, lines 14-26. However, Chen discloses that the integrity metric is acquired during a secure **boot process**. That is, <u>before</u> the operating system is loaded. Thus, Chen discloses acquiring an integrity metric of firmware

BEFORE the operating system is loaded, not DURING an os-runtime phase, as expressly recited by Applicants.

The Office Action mailed 02/14/07 cites to col. 6, lines 34-42 of Chen to allegedly show Applicants' claimed element of measuring a portion of a current set of firmware components during an OS-runtime phase of the computer system. See Office Action, page 17. Applicants respectfully disagree. Instead, this cited portion of Chen simply recites that after the BIOS program is executed, control is handed over to the OS, not that a portion of firmware components are measured during an OS-runtime, as claimed by Applicants.

Neither Gulick, nor Challener cure the deficiencies of Chen. Thus, the cited references fail to disclose each and every element of claim 20, as required under M.P.E.P. §2143.03. Amended independent claims 1, 11 and 26 include similar nonobvious elements as independent claim 20. Accordingly, Applicants respectfully request that the §103(a) rejections of claims 1, 11, 20 and 26 be withdrawn.

The dependent claims are nonobvious over the cited references for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims also be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.
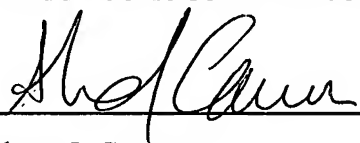
CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 5-9-07

Andrew J. Cameron
Reg. No. 50,281
Phone: (206) 292-8600